

Copy

IN THE UNITED STATES DISTRICT COURT FOR  
 THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for  
 RUTH H. LEWIS, Estate  
 Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA  
 et al,  
 Defendant(s)

CIVIL ACTION NO.

3:07-cv-138-MHT-WCD

DEPARTMENT OF  
 U.S. DISTRICT COURT  
 MIDDLE DISTRICT OF ALABAMA

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Motion for Summary Judgment by Plaintiff(s) in  
response to, Motion to DISMISS by Defendant

Plaintiff(s) pursuant to RULE 56 of the federal Rules of Civil Procedure, Moves the court to enter Summary Judgment for the Plaintiff(s) on the grounds that there is NO genuine issue as to any material fact, and the Plaintiff(s) is entitled to judgement as a matter of law.

In support of this motion Plaintiff(s) refers to the record in this action, including the Complaint, the Answer to it and Plaintiff(s) attached affidavit and Exhibits "A".

By Alonzo Austin, pro se  
 ALONZO AUSTIN

Address: 1321 River-Carlis Rd., Tuskegee, Al. 36083, Ph#(334) 727-5471

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2007 APR 10 P 12:38

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

DEBRA P. HACKETT CLK  
MIDDLE DISTRICT COURT  
ALABAMA

ALONZO AUSTIN, Executor, for }  
RUTH. H. LEWIS, Estate }  
Plaintiff(s) |

vs. 1 CIVIL ACTION NO.

MODERN WOMEN OF AMERICA } 3:07-CV-138-MHT-WC  
et al,

Defendant(s) }

Affidavit in Support of Motion for Summary Judgement

STATE OF ALABAMA ; ss.

COUNTY OF MACON ;

ALONZO AUSTIN, who, being first duly sworn,  
deposes and says:

1. I am ALONZO AUSTIN, and have personal  
knowledge of the facts set forth.

This affidavit is submitted in support of the Plaintiff(s)  
Motion for Summary Judgement for the purpose of showing  
that there is in this action no genuine issue as to  
any material fact, and that the Plaintiff(s) is Entitled  
to judgement as a matter of Law. As issue is  
Constitutional in Nature.

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2. Plaintiff(s) spoke to "The Defendant  
"CITY ATTORNEY FRED GRAY SR"; a few  
days after THE DEFENDANT'S, The STATE  
BOARD OF LICENSURE, Representative Mr.  
Guy Nivens, Stated to Plaintiff(s) that  
After Speaking to ATTORNEY GRAY, he ended  
the investigation with respect to Ms. LEWIS  
the Principal, being held against her will  
in Mason Manor, ~~Assisted~~ Living Facility  
because of ATTORNEY FRED GRAY SR. Claim  
that Plaintiff(s), had No Standing to ask for  
and investigation or Remove Principal LEWIS,  
from the Facility in question because of the  
(2) Court orders (one) on June 6, 1993, voiding  
Durable General Power of Attorney Given Plaintiff(s)  
by RUTH H. LEWIS. AND (Secondly) The Divestiture  
of the Vehicle that Plaintiff(s) had by CIRCUIT  
COURT JUDGE; Howard F. BRYAN, on March 22, 1993  
3. During Plaintiff(s) Conversation with Defendant  
FRED GRAY Sr. Near the end of May 1994  
MR. GRAY Warned Plaintiff(s) that the  
Montgomery POLICE Dont PLAY and  
that Plaintiff(s) better be Careful Down  
there in montgomery "the Cradle of  
the Old Confederacy" those are VALID  
Court ORDERS so you better stay away from Mason Manor.

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4, Plaintiff(s) Promised ATTORNEY FRED GRAY SR. that he would abide by the Police Demands but Plaintiff(s) Stated to CITY OF TUSKEGEE ATTORNEY FRED GRAY SR. the he did not believe the Montgomery Police would try and prevent me from removing Principal Lewis once I showed them my power.

5, Bay was Plaintiff(s) Wrong because on June 10, 1995 When Plaintiff(s) Went to Remove Principal Lewis From Mason Manor after giving NOTICE The Montgomery CITY POLICE was waiting and they were not playing they Separated Principal Lewis and Plaintiff's Austin without hesitation in a vicious and EVIL way without any regard for our Constitutional Rights.

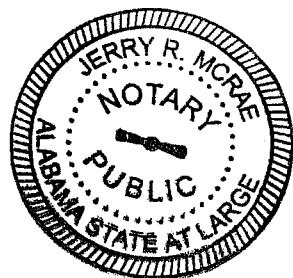
6, Plaintiff(s) later spoke with CITY ATTORNEY FRED GRAY SR, OF TUSKEGEE, ALABAMA on February 10, 1995 Several months after Principal Lewis Death Regarding A \$227.60 Ambulance bill owed by RUTH H. LEWIS, to the City of Tuskegee See: Attached as Exhibit A., and Plaintiff(s) State 1 to Defendant FRED GRAY SR. Finally You'll Recognize me as her Personal Representative, Now that she OWES you'll Money so it's me Now and Not Juanita R. Upshaw, Gray, replied NO Comment.

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In Conclusion, ONCE Principal Was Dead and buried and all propert, both tangible an intangible Were Split among the State actors and Civilians amounting to more that \$300,000 ~~or~~ and to Show their appreciation to the Plaintiffs For his efforts in the above Matter they would finally accept same as the executor, providing Plaintiff(s) Would pay this Ambulance Bill of \$2760.  
(THEY ARE ALL HEART, AREN'T THEY?)  
Alonzo Cuttino, Proze  
by Alonzo Cuttino, Proze

Jerry R. McRae, Notary

Com. Expires 8-28-09



LOUIS MAXWELL  
PRESIDENT, CITY COUNCIL  
HAROLD WASHINGTON  
PRESIDENT PROTEM, CITY COUNCIL  
COUNCIL MEMBERS  
FRANK H. BENTLEY  
ROBERT L. IVEY, JR.  
MAE DORIS WILLIAMS

# CITY OF TUSKEGEE



*EXHIBIT B*

**JOHNNY FORD, MAYOR**  
TUSKEGEE, ALABAMA 36083  
TEL - (205)727-2180 FAX (205)7274820

HATTIE P. KING  
CITY CLERK-TREASURER  
CAL WILSON  
EXEC. DIR. HEADSTART  
FRED D. GRAY  
CITY ATTORNEY  
JOHN R. MEADOWS  
CHIEF, POLICE DEPT.  
LUTHER CURRY  
CHIEF, FIRE DEPT.  
LINDA C. MARABLE  
PURCHASING AGT.  
WILLIAM FOSTER  
DIR. PUBLIC WORKS  
CARL BASCOMB  
PERSONNEL DIRECTOR  
EDDIE MOORE  
DIR. SANITATION DEPT & STREET.  
ELESE DANIEL  
DIR. RECREATION  
JEANETTE ALEXANDER  
DIR. SR. CITIZENS  
JEROME MOORE  
DIR. CITY SHOP  
JAMES C. B. SAMUEL  
COMPTROLLER  
RONALD D. WILLIAMS  
ASST. SUPT. UTILITIES

Date February 7, 1995

Name Mr. Alonza Austin

Address 1321 Oliver Carlis Road

Tuskegee, Alabama 36083

**RE: Bill for Ambulance Services**  
Ms. Ruth Lewis - November 26, 1994

Dear Mr. Austin:

Our records indicate that after insurance, medicare, and/or medicaid payment/s were applied to your account, a balance of \$ 227.60 is still owed:

Amount of Bill	<u>\$ 249.00</u>
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Less:	
Medicare Payment	
Medicaid Payment	
Insurance Payment	<u>21.40 - Blue Cross</u>
Other	

Balance Owed	<u>\$ 227.60</u>
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Please pay this amount promptly.

If you have questions or need additional information, please contact Ms. Carolyn Ferguson at (205) 724-2186.

Sincerely,

*Hattie King*  
Hattie King  
City Clerk/Treasurer

CERTIFICATE OF SERVICE

I hereby Certify that I have Served  
a copy of the foregoing document  
upon the following by placing a  
Copy of same in the UNITED STATES  
Mail, this 10th day of April 2007  
Postage Prepaid and properly Addressed  
to:

Melton Espy & Williams, PC *Frank Gray*  
P.O. Drawer 5130  
Montgomery, AL 36103-5130 *+  
Alonzo Austin*

by Alonzo Austin, Jr.  
by Alonzo Austin, Jr.  
ALONZO Austin  
1321 River-Carlis Rd.  
Tuskegee, Al. 36083  
Ph#(334) 727-5476